

APPEAL NO. 030491  
FILED APRIL 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 28, 2003. With respect to the disputed issues before him, the hearing officer determined that the appellant (claimant) sustained a compensable injury, in the form of a right inguinal hernia, on \_\_\_\_\_, and had resultant disability beginning September 26, 2002, and continuing through January 8, 2003. The hearing officer also resolved that the respondent (carrier) was not relieved of liability under Section 409.002 because the claimant did timely report his injury to his employer pursuant to Section 409.001. The claimant appeals, arguing that his period of disability should be until the date of the CCH and continuing. There is no response from the carrier. Neither party appealed the compensability or the Section 409.002 determinations; therefore, they have become final pursuant to Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant had disability from September 26, 2002, through January 8, 2003. The hearing officer found that during this time frame, and at no time thereafter through the date of the CCH, the claimant was unable to obtain and retain employment at his preinjury wage as a result of his right inguinal hernia injury. See Section 401.011(16). While the claimant argues that his disability continues to the present, the record supports the hearing officer's finding and the hearing officer only had jurisdiction up until the date of the CCH, 20 days more than the period of disability he determined. The hearing officer believed that the evidence in the record showed that the claimant's inability to obtain and retain employment at his preinjury wage after January 8, 2003, was as a result of the complications from his appendectomy, not as a result of his compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer was acting within his province as the fact finder in resolving the evidence in the manner he did and nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Terri Kay Oliver  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge